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UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAFAYETTE DIVISION

JEFFREY COLE

CIVIL ACTION NO. 06-1998

VERSUS

JUDGE DOHERTY

WARDEN, LAFAYETTE PARISH
CORRECTIONAL CENTER

MAGISTRATE JUDGE METHVIN

JUDGMENT

For the reasons stated in the Report and Recommendation [Doc. 10] of the Magistrate Judge previously filed herein, and after an independent review of the record, including the "Motion to Dismiss" [sic] [Doc. 11] filed by petitioner, and having determined that the findings and recommendation are correct under the applicable law,

IT IS ORDERED that this petition for *habeas corpus* be DENIED AND DISMISSED WITHOUT PREJUDICE as: (1) petitioner's *habeas* claims remain unexhausted; and (2) while not abundantly clear, the Court is under the impression plaintiff desires his action be dismissed (see Doc. 11).

THUS DONE AND SIGNED in Chambers, Lafayette, Louisiana, this 4 day of April, 2007.


REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE